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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
18

19 WAYMO LLC,
20 Plaintiff,
21 v.
22 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendant.
24

Case No. 3:17-cv-00939-WHA

**UBER'S MOTION IN LIMINE
REGARDING ITS LEGAL
COUNSEL**

Trial Date: October 10, 2017

1 Uber will be represented at trial by Morrison & Foerster (“MoFo”) and Boies Schiller
2 Flexner. Pursuant to this Court’s June 30, 2017 Order (Dkt. No. 784), Uber moves in limine for
3 an order excluding any reference at trial to MoFo’s role in Uber’s acquisition of Ottomotto.

4 Uber will not be calling anyone from MoFo as a witness at trial. Moreover, Magistrate
5 Corley has already considered and rejected Waymo’s assertion that the crime fraud exception
6 should apply in this case. (Dkt. No. 731 at 2 [“The Court does not find that Uber retained MoFo
7 to assist with obtaining Waymo’s trade secrets.”].) Thus, MoFo’s role in the acquisition is
8 irrelevant to the issues in this trial and any remote relevance is substantially outweighed by the
9 probability that the jury will be confused or that Uber will be prejudiced, because the only reason
10 Waymo would mention MoFo’s involvement is to suggest wrongdoing by Uber’s trial counsel.

11 For these reasons, Uber requests an order excluding any reference at trial to MoFo’s role
12 in Uber’s acquisition of Ottomotto.

13 Dated: July 7, 2017

MORRISON & FOERSTER LLP

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15 By: /s/ Arturo J. González
16 Arturo J. González

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